IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1913 OF 2007
WITH
CRIMINAL WRIT PETITION NO. 1914 OF 2007

Elbee Services Limited and Ors. ..Petitioners

Vs.

H.W. Joshi and anr. ..Respondents

Mr. Kapil Dave i/by Mr. Girish Kulkarni for petitioners.
Mr. D.R. More, APP for State in Cri.W.P. No.1913/07.
Mr. S.R. Shinde, APP for State in Cri.W.P.No.1914/07.

CORAM: B.H. MARLAPALLE, J.

Date : October 16, 2007.

P.C.:

. Heard the learned counsel for the petitioners. In both these petitions common relief has been prayed for i.e. to invoke the inherent powers under Section 482 of Cr.P.C. and quash the complaint filed under Section 138 of the Negotiable Instruments Act, 1881. It is stated that the cheque amount has been paid either on receipt of the demand notice under Section 138 of N.I. Act or in satisfaction of the decree

passed by the competent court.

. If that be so, the petitioners may apply to the court below either for dismissal of the complaint or for compounding the complaint under Section 147 of the Act. The evidence and more particularly the documentary evidence as placed in these two petitions cannot be the basis to invoke the powers under Section 482 of Cr.P.C. The documents are required to be proved in the trial of the complaint.

. Hence the petitions are rejected with liberty to the petitioners as is available in law.

(B.H. Marlapalle,J.)